

**MINUTES OF THE  
EDUCATION INTERIM COMMITTEE  
November 23, 1999 - 9:00 a.m. - Room 303 State Capitol Building**

**Members Present:**

Sen. David H. Steele, Chair  
Rep. Lloyd Frandsen, Chair  
Sen. Ron Allen  
Sen. Karen Hale  
Sen. Lyle W. Hillyard  
Sen. Howard A. Stephenson  
Rep. Jeff Alexander  
Rep. Ron Bigelow  
Rep. Duane Bourdeaux  
Rep. Judy Ann Buffmire  
Rep. Fred J. Fife III  
Rep. James R. Gowans  
Rep. David L. Hogue  
Rep. Bradley T. Johnson  
Rep. Evan L. Olsen  
Rep. Tammy J. Rowan  
Rep. LaWanna "Lou" Shurtliff  
Rep. Nora B. Stephens  
Rep. Matt Throckmorton  
Rep. Bill Wright

**Members Absent:**

Rep. Keele Johnson

**Staff Present:**

Mr. J. Wayne Lewis,  
Research Analyst  
Mr. James L. Wilson,  
Associate General Counsel  
Ms. Wendy L. Bangerter,  
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order - Rep. Lloyd Frandsen**

**MOTION:** Rep. Hogue moved to approve the minutes of November 17, 1999. The motion passed unanimously.

Mr. Val Finlayson, Utah Partners in Education Executive Director, reviewed the association's biannual report and said its Board of Trustees unanimously passed a resolution stating education is the top priority consideration in providing qualified workers for business in Utah. He reviewed four legislative issues that the board voted to support: 1) custom fit training, 2) work-based learning, 3) centers of excellence, and 4) applied technology education equipment for public and higher education.

## **2. Post Secondary Proprietary Schools Proposed Legislation**

Mr. Hardin Eyring, Associate Commissioner of Higher Education, explained the proposed legislation, "Postsecondary Proprietary School Act Amendments," and said it modifies the criteria by which the State Board of Regents may refuse to accept a statement of registration from or grant an exemption to a postsecondary proprietary school. It also authorizes the Board of Regents to require a surety bond all unaccredited proprietary schools, as part of the registration process and as a protection to students against loss of advanced tuition and fees.

The Committee discussed the impact the proposed legislation would have on existing, bonafide private providers of higher education. Mr. Eyring explained that the State Board of Regents supports this legislation because it creates greater security and confidence between enrollees and the community at large. The bill is not intended to create adverse effects on existing schools. He pointed out that additional costs created by the bill may be absorbed by the student.

**MOTION:** Sen. Hillyard moved that the Education Interim Committees adopt the proposed legislation, Post Secondary Proprietary Schools Amendments, as a committee bill. The motion passed with Sen. Stephenson and Representatives Fife and Rowan voting in opposition.

## **3. Strategic Planning for Public and Higher Education Proposed Legislation**

Mr. Steve Laing, Superintendent of Public Instruction, and Mr. Jim Wilson, Associate Legislative General Council, explained the proposed strategic planning legislation for public education. They reviewed changes proposed by the bill and discussed strategic planning policies currently in law. Mr. Laing explained why the bill pinpoints certain programs such as the SEP and the SEOP with contingency funding that has been stated in the bill as "subject to legislative appropriation." He discussed the need for and makeup of a community council or subcommittee in each school to implement the School Land Trust Program. In regard to testing, Mr. Laing said the results from testing often are not readily apparent and other indicators are useful in implementing improvement in education. He said, over time, those indicators should define progress in education. He said schools are required to publicize test results to the patrons of the school.

**MOTION:** Rep. Alexander made a motion to amend the bill by deleting the new language on lines 142 and on lines 177-178.

**SUBSTITUTE MOTION:** Rep. Hogue made a substitute motion to amend the bill by deleting the new language on lines 142 and 177-178 and deleting lines 118-119.

Rep. Buffmire said a commitment has been made by the Legislature to be part of the education process and she felt deletion of those lines would remove the Legislature from the

process. Rep. Frandsen cautioned that deleting this language may have an opposite effect from the desire of the committee. Sen. Steele explained that the language itself is not critical, but the process the Legislature goes through and funding it puts into the process is the critical issue. He felt the legislation would improve the process where students, parents, and educators could have a more meaningful SEOP.

Mr. Laing clarified the discussion and said funds have not been appropriated for full implementation of SEOP's, but comprehensive guidance moneys have been used to supplement the program which includes many elements of the SEOP's.

A vote on the substitute motion was taken. The substitute motion failed with Representatives Alexander, Hogue, Rowan, Stephens, Throckmorton, and Wright voting in favor and Sen. Hillyard absent for the vote. A vote on the original motion was taken. It passed with Senators Allen and Hale and Representatives Frandsen, Bourdeaux, Buffmire, Fife, Gowans, and Shurtliff voting in opposition and with Sen. Hillyard absent for the vote.

**MOTION:** Rep. Stephens made a motion to delete lines 55-56.

**SUBSTITUTE MOTION:** Sen. Stephenson moved to delete Section 2, Lines 49-56 from the bill. The motion passed with Sen. Allen and Representatives Buffmire, Bourdeaux, and Gowans voting in opposition and Sen Hillyard being absent for the vote.

**MOTION:** Rep. Throckmorton moved to restore the original language on lines 123-124 and line 127. The motion failed with Senators Allen, Hillyard, and Stephenson voting in opposition.

**MOTION:** Rep. Hogue made a motion to move to the next item on the agenda.

**SUBSTITUTE MOTION:** Rep. Stephens moved to endorse the bill as amended as a committee bill. The motion passed with Sen. Hillyard and Representatives Bigelow, Bourdeaux, Hogue, and Rowan voting in opposition.

#### **4. Learning Standards and Accountability Proposed Legislation**

Mr. Val Finlayson reported that Business Education Policy Committee and the Education Training Committee from Utah Partners in Education had officially commended the Task Force on Learning Standards and Accountability in Public Education for its work during the 1999 interim. They recommend the task force during the 2000 interim consider an additional tool to assess skills needed by employers in the workforce and recommended the task force continue in the direction it has begun.

Mr. Laing distributed and reviewed a handout “Assessing Reporting, and Evaluating Student Performance Annual Costs” and the State Office of Education's efforts to estimate the annual costs of assessing, reporting, and evaluating student performance.

Rep. Rowan pointed out that assessment costs now in statutes that are under funded and those which will require additional funding. Ms. Barbara Lawrence, State office of Education, said the provisions of H.B. 33 from the 1999 General Session were not fully funded. Rep. Bourdeaux was concerned with hidden costs in the newly proposed assessment process. Mr. Laing said there would be some additional costs and identified possible areas.

Rep. Olsen questioned assessing student behavior and asked if there was a requirement in the bill to improve student behavior. Rep. Rowan explained that parent surveys could be helpful in determining a behavioral focus and the task force will continue its discussion of this topic as well as other important considerations. She said there had not been sufficient time to fully discuss and arrive at a committee consensus in many areas.

Sen. Stephenson reviewed issues the task force had thoroughly discussed and those requiring more discussion. He reminded the committee that the proposed bill includes assessments previously adopted by the Legislature. New assessments will include tests requiring constructed answers and direct writing assessment, since many educators have emphasized the need for authentic testing. He emphasized that standards are not included in this legislation but by the 2002-03 school year, they will be established to identify schools not achieving acceptable levels of student performance. Reporting assessment information provides some accountability by itself and has great influence on performance.

Rep. Rowan explained the assessment program time frame. If teachers use test results in their own classrooms, they can impact on their teaching program. She felt the most important thing the task force recommended was to provide test results to teachers so they can be used where the greatest change can occur.

Sen. Stephenson said the task force vigorously sought for and considered the public's opinion of assessment and accountability. The education community expressed its feelings in public hearings about the Legislature requiring greater accountability when the Legislature has not been accountable to education by adequately funding mandatory programs. He explained that revenue projections this year are well below previous years and funding projections for educational funding are also lower. Without this proposed legislation, he felt the increases hoped for would be much less.

Debbie White, 6<sup>th</sup> grade teacher, said educators feel they have always been accountable to parents and teachers. She felt data comparisons from tests would not make classrooms outcomes improve and test results should be for students and parents only. She felt every school needs help, regardless of how they score on tests.

Sen. Allen commended the task force for its work, but felt the legislation implements assessment programs without knowing the costs. He was concerned about taking funding from fundamental programs to pay for this program. He encouraged more pay for teachers and reducing classroom size. Ms. Pat Rusk, UEA Vice President and classroom teachers, said teachers are not opposed to being held accountable for results, but feel funding is needed in many other areas. UEA is requesting a long term commitment in basic funding if long-term accountability is required.

**MOTION:** Rep. Rowan made a motion to pass Assessing, Reporting, and Evaluating Student Performance out as a committee bill. The motion passed with Senators Allen and Hale and Representatives Bigelow, Bourdeaux, Buffmire, Fife, Gowans, and Shurtliff voting in opposition of the bill and Sen. Hillyard and Representatives Alexander and Johnson absent for the vote.

**5. Safe Schools Coordinated Plan Proposed Legislation**

Rep. Frandsen apologized to Rep. Arent for not having time to hear her proposed bill, "Safe Schools Coordinated Plan."

**6. Additional Discussion on Public Education Reports Presented November 17**

There was not adequate time to discuss this item.

**7. Adjournment**

**MOTION:** Rep. Stephens moved to adjourn the meeting. The motion passed at 12:00 noon.

